



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Dismissal Report February 2019

- Vehicle For Hire & Taxi Hearings
- Health & Restaurant Hearings
- ECB Hearings
- DCA Hearings



FIDEL F. DEL VALLE

COMMISSIONER &
CHIEF ADMINISTRATIVE LAW JUDGE
THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

March 20th, 2019

- **Pursuant to New York City Local Law No. 64, attached is the Monthly Report Relating to Dismissals of Civil Penalty Violations in the Tribunals within the jurisdiction of OATH for the month of February, 2019.**
- **Please be advised that the numbers for OATH's Health, DCA and Taxi & Limousine Tribunals reflect the number of charges rather than the number of summonses, dismissed. There may be multiple charges on each summons.**

FY 19 Vehicle for Hire & Taxi Hearings*

AGENCY	Dismissals	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
TLC	Dismissed No Violation/On the Merits	361	391	293	311	308	317	348	279					2,608
	Dismissed No Jurisdiction		3	2	1	1	5	2	1					15
	Dismissed Defective Service					1	1	1	1					4
	Dismissed Defective Summons/charge (defective on its face)	12	8	6	7	5	5	9	78					130
	Dismissed - Failure to Prosecute	10	16	11	17	27	8	17	35					141
	Dismissed - Successfully Disputed Ownership		1											1
	Dismissed - Wrong Party Named		5		6			1						12
	Dismissed - No Prima Facie Case	31	31	19	27	7	24	43	43					225
	Withdrawal	19	39	24	28	64	40	76	38					328
	Dismissed - Administrative Dismissal													
TLC	Total Dismissed	433	494	355	397	413	400	497	475	-	-	-	-	3,464
NYPD	Dismissed No Violation/On the Merits	11	19	10	38	29	18	18	13					156
	Dismissed No Jurisdiction		1											1
	Dismissed Defective Service							3						3
	Dismissed Defective Summons/charge (defective on its face)	21	17	14	15	13	7	12	8					107
	Dismissed - Failure to Prosecute				1									1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case	7	6	3	9	3	6	10	3					47
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
NYPD	Total Dismissed	39	43	27	63	45	31	43	24	-	-	-	-	315
Port Authority	Dismissed No Violation/On the Merits	3	1	6	6	6		3	1					26
	Dismissed No Jurisdiction													-
	Dismissed Defective Service													-
	Dismissed Defective Summons/charge (defective on its face)													-
	Dismissed - Failure to Prosecute							1						1
	Dismissed - Successfully Disputed Ownership													-
	Dismissed - Wrong Party Named													-
	Dismissed - No Prima Facie Case		4	1	2	2								9
	Withdrawal													-
	Dismissed - Administrative Dismissal													-
Port Authority	Total Dismissed	3	5	7	8	8	-	4	1	-	-	-	-	36
Grand Total		475	542	389	468	466	431	544	500	-	-	-	-	3,815

*by charge

FY 19 Health & Restaurant Hearings*

AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total
DOHMH*	Dismissed No Violation/On the Merits	2,748	2,747	2,550	3,057	2,591	2,172	2,598	2,108					20,571
	Dismissed No Jurisdiction	15	3	6	24	3	3	3	6					63
	Dismissed Defective Service	15	37	10	25	33	11	84	6					221
	Dismissed Defective Summons/charge (defective on its face)	13	28	28	24	24	6	14	7					144
	Dismissed - Failure to Prosecute	11	-	1	2	8	2	1	-					25
	Dismissed - Successfully Disputed Ownership	1	5	-	-	-	-	3	-					9
	Dismissed - Wrong Party Named	10	11	17	13	4	2	6	6					69
	Dismissed - No Prima Facie Case	216	256	148	205	212	166	175	101					1,479
	Withdrawal	4	7	9	1	3	5	2	8					39
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-
Grand Total	3,033	3,094	2,769	3,351	2,878	2,367	2,886	2,242	2,242	-	-	-	-	22,620

*by charge

FY 19 DCA Hearings

AGENCY	Dismissals	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Grand Total	
DCA*	Dismissed No Violation/On the Merits	24	39	39	33	20	22	34	24					235	
	Dismissed No Jurisdiction	-	1	1	-	-	-	-	-					2	
	Dismissed Defective Service	-	4	2	1	-	2	3	10					22	
	Dismissed Defective Summons/charge (defective on its face)	1	1	3	9	-	1	2	1					18	
	Dismissed - Failure to Prosecute	-	-	2	7	-	3	-	-					12	
	Dismissed - Successfully Disputed Ownership	-	-	-	-	-	-	10	-					10	
	Dismissed - Wrong Party Named	1	-	6	-	-	3	1	5					16	
	Dismissed - No Prima Facie Case	-	-	-	1	1	1	-	20					23	
	Withdrawal	19	28	21	39	11	28	24	39					209	
	Dismissed - Administrative Dismissal	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Grand Total	45	73	74	90	32	60	74	99	-	-	-	-	547	

*by charge

FY 19 ECB Hearings

Agency Group	Issuing Agency	Dismissal Reason	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Grand Total			
BUILDINGS(DOB)	DOB-DEPT OF BUILDINGS	ADMIN. DISMISSAL ECB		6	4		8	14	6	2					40			
		DEFECTIVE NOV	29	41	33	41	56	76	43	90						409		
		DEFECTIVE SERVICE	73	92	61	121	118	147	127	151						890		
		DISPUTED OWNERSHIP	42	45	37	42	32	45	25	58						326		
		IMPROPER PARTY CITED	85	102	70	96	91	85	109	64						702		
		NO ECB JURISDICTION	2	1		2		2	17	3						27		
		NO VIOL. DISMISS ON MERITS	616	644	506	677	664	703	666	833						5309		
		PROSECUTION WITHDRAWN	130	151	239	120	163	107	164	232						1306		
		UNASSIGNED REASON	2		9	4	2	1	1							19		
		WORK DONE BY PREV. OWNER	54	51	40	45	37	28	31	54						340		
		DATA CORRECTION	2	11	8	18	19	28	43	30						159		
		FAILURE TO PROSECUTE	2	3	3	4	8	3								23		
		NO PRIMA FACIA CASE	29	66	30	58	77	69	74	83						486		
		WITHDRAWAL AFTER ADJUDICATE	5	10	7	8	5	8	6	3						52		
		INTEREST OF JUSTICE			1						1					2		
		DOB-DEPT OF BUILDINGS Total			1071	1224	1047	1236	1280	1316	1312	1604					10090	
		810-DEPT OF BUILDINGS 810	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB				1	1								2	
				IMPROPER PARTY CITED														
				DEFECTIVE NOV								1						1
				DEFECTIVE SERVICE									2					2
				NO VIOL. DISMISS ON MERITS			2		2		2	4						10
				NO PRIMA FACIA CASE		1	1				1							3
				NO PRIMA FACIA CASE			3	1	3	1	3	7						18
810-DEPT OF BUILDINGS 810 Total				3	1	3	1	3	7						18			
BUILDINGS(DOB) Total			1071	1227	1048	1239	1281	1319	1319	1604					10108			
ENVIRONMENTAL PROTECTION (DEP)	824-DEP - IWC	ADMIN. DISMISSAL ECB	1								1				2			
		DEFECTIVE NOV		1	4	8	2								15			
		DEFECTIVE SERVICE	2			1										3		
		DISPUTED OWNERSHIP																
		IMPROPER PARTY CITED																
		NO VIOL. DISMISS ON MERITS	1	2		1										4		
		PROSECUTION WITHDRAWN	4	2	12	1	5	3		3						30		
		NO PRIMA FACIA CASE						1								1		
		824-DEP - IWC Total			8	5	16	11	7	4	4						55	
		825-DEP - BUREAU OF CUST SRV	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB	30	5	4	23	15	9	13	9					108	
				DEFECTIVE NOV		1				1	2	4					8	
				DEFECTIVE SERVICE	5	3	1	1	2	4	1	3					20	
				DISPUTED OWNERSHIP	1		2	1			1	2					7	
				IMPROPER PARTY CITED			2	2	1								5	
				FAILURE TO PROSECUTE					1								1	
				NO VIOL. DISMISS ON MERITS	4	8	2	5	8	4	8	6					45	
				PROSECUTION WITHDRAWN			1		1								2	
				WORK DONE BY PREV. OWNER					1		1						2	
				NO PRIMA FACIA CASE	2	2		2	1	2	1	1					11	
				825-DEP - BUREAU OF CUST SRV Total			42	19	12	34	30	20	27	25				
		826-DEP - BUREAU OF ENV. COMP	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB			1										1	
				DEFECTIVE NOV														
				DEFECTIVE SERVICE			2	1				3						6
DISPUTED OWNERSHIP																		
IMPROPER PARTY CITED	1															1		
NO VIOL. DISMISS ON MERITS	1			1	1					2						5		
PROSECUTION WITHDRAWN	2															2		
NO PRIMA FACIA CASE											1					1		
WITHDRAWAL AFTER ADJUDICATE																		
826-DEP - BUREAU OF ENV. COMP Total					4	3	3				5	1					16	
989-DEP POLICE	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB						1							1			
		DEFECTIVE NOV																
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP																
		NO VIOL. DISMISS ON MERITS					1			1						2		
NO PRIMA FACIA CASE																		
989-DEP POLICE Total						1	1		1						3			
999-MISCELLANEOUS AGENCIES	DEFECTIVE SERVICE	DEFECTIVE SERVICE																
		ADMIN. DISMISSAL ECB																
		PROSECUTION WITHDRAWN																
		DEFECTIVE NOV																
		IMPROPER PARTY CITED																
999-MISCELLANEOUS AGENCIES Total	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB	1												1			
		DEFECTIVE NOV							1						5			
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP						1							1			
		IMPROPER PARTY CITED	2				1								3			
ASB-ASBESTOS CONTROL PROGRAM	ADMIN. DISMISSAL ECB	ADMIN. DISMISSAL ECB																
		DEFECTIVE NOV			2	1		1		1								
		DEFECTIVE SERVICE																
		DISPUTED OWNERSHIP						1								1		
		IMPROPER PARTY CITED						1								3		
		NO ECB JURISDICTION																
		NO VIOL. DISMISS ON MERITS	4	14	8	7	7	2	6	17						65		
		PROSECUTION WITHDRAWN	5	7	8	6	6	5	6	3						46		
DATA CORRECTION									3					3				
NO PRIMA FACIA CASE			2					2	1					5				
ASB-ASBESTOS CONTROL PROGRAM Total			12	25	17	15	14	7	15	24					129			

